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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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00/973,835 02/05/98 GALLEY

R 0542-287

000826

QM41/0405

ALSTON AND BIRD

P O DRAWER 34009

CHARLOTTE NC 28234-4009

EXAMINER

STRYJEWSKI, W

ART UNIT

PAPER NUMBER

3741

DATE MAILED: 04/05/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/973,535

Applicant(s)
Gailey et al

Examiner
William Stryjewski

Group Art Unit
3741



☒ Responsive to communication(s) filed on Feb 5, 1998

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-45 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-45 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☒ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 5

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 250 words. It is important that the abstract not exceed 250 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means"

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and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

This application does not contain an abstract of the disclosure as required by 37

CFR 1.72(b). An abstract on a separate sheet is required.

The following guidelines illustrate the preferred layout and content for patent applications.

These guidelines are suggested for the applicant's use.

Arrangement of the Specification

The following order or arrangement is preferred in framing the specification and, except for the reference to "Microfiche Appendix" and the drawings, each of the lettered items should appear in upper case, without underlining or bold type, as section headings. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) Title of the Invention.
- (b) Cross-References to Related Applications.
- © Statement Regarding Federally Sponsored Research or Development.
- (d) Reference to a "Microfiche Appendix" (see 37 CFR 1.96).
- (e) Background of the Invention.
 - 1. Field of the Invention.
 - 2. Description of the Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) Brief Summary of the Invention.
- (g) Brief Description of the Several Views of the Drawing(s).
- (h) Detailed Description of the Invention.
- (I) Claim or Claims (commencing on a separate sheet).
- (j) Abstract of the Disclosure (commencing on a separate sheet).
- (k) Drawings.

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(l) Sequence Listing (see 37 CFR 1.821-1.825).

Drawings

The drawings are objected to because reference numerals 12 and 13 in figure 7 and 101A and 101B in figure 10 have no lead lines. Further, no "arrangement 101" referred to on page 13, line 20, "supplies A and B" referred to on page 13, line 21, and "free-running roller 111" referred to on page 14, line 9 are not shown. Correction is required.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the ----- must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Claim Rejections - 35 USC § 112

Claims 3-25 and 31-45 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3 is vague and indefinite because it is unclear if there is an additional step of false twisting or the false twisting is further limiting the twisting step of claim 1 which claim 3 depends from.

It is unclear how claims 4-13 further limit claim 1 which they depend from, because they are drawn to the characteristics of the tape and claim 1 is a method claim thus it is unclear how these claims are further limiting claim 1.

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Claim 6 is vague and indefinite because it is unclear when the tape is spiraled. Is it during the twisting step of claim 1.

Claim 13 is vague and indefinite because the term "the coating" has no antecedent basis.

Claim 16 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: It is unclear what relationship is between the drawing arrangement and the twisting arrangement. Is one upstream or downstream from one another?

Claim 31 is vague and indefinite because it is unclear what a "higher than normal draw ratio" represents.

Claim 32 is vague and indefinite because it is unclear what "of one hand" and "of opposite hand".

Regarding claim 36, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim 39 is vague and indefinite because it does not further limit claim 26 it depends by setting forth a structural limitation on the strand material, instead it merely sets forth the intended use of the strand material.

Claim 42 is vague and indefinite because the term "the warp and weft crowns" has no antecedent basis.

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Claim 43 is vague and indefinite because it is unclear what "other artefact sewn" represents.

Regarding claim 44, the phrase "or any other process" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim 44 (line 3) is vague and indefinite because it is unclear what "and/or" represent. This is an improper alternative.

Claim 45 is vague and indefinite because "being capable of cross-sectional deformation having become deformed in the seam so that its major cross-section lies in the plane of the fabric at the seam" (emphasis added). First, "being capable" does not positively set forth the limitation. Second, it is unclear what constitutes the "major cross-section". What is a "minor cross-section"?

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, and 16-19 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Mallory '150.

Claims 26-31 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Soviet Union 802,422.

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Claims 1-4, 16-21, 26-31, 40(26-31), 41 (26-31), and 43 (26-39) are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Kosaka et al '055.

Claims 32-38 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by European Patent 432,272.

Claim 16 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by PCT WO 95-066558.

Claims 26 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Japanese Patent 4,065,544.

Claims 1-12, 16-31, and 37-41 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Strohmaier '747.

Claims 1-12, 16-31, 37-39, 43(26-31,37-39), 44(26-31,37-39), and 45 (26-31,37-39) are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Kurilla '141.

Allowable Subject Matter

Claims 13-15 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William Stryjewski whose telephone number is (703) 308-2707.

WTS

March 29, 1999


William Stryjewski
Primary Examiner